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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,506	12/19/2000	Naoto Yamamoto	14161	6961

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EXAMINER

BUGG, GEORGE A

ART UNIT PAPER NUMBER

2613

DATE MAILED: 08/04/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,506

Applicant(s)

YAMAMOTO, NAOTO

Examiner

George A Bugg

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3,4,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Response to Arguments

Applicant's arguments filed 05/24/04 have been fully considered but they are not persuasive. The Examiner maintains his rejection, and responds to the amended claims in bold, underlined italics below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,052,417 to Fujiwara et al.

4. As for claims 1, 2, 7 and 8, Applicant claims **"A compressed image data reproducing apparatus and method, comprising: a storage device for memorizing, as control data, a structure of a data file in which an interval including an intra-coded frame an inter-coded frames composed of using a forward direction prediction from said intra-coded frame or an inter-coded frame at the past time, in a group of pictures (GOP) is variable; and a system control circuit for executing motion compensation using a time correlation at the time when the image data compressed and coded by variable length codes are reproduced, wherein: a search is executed by using said control data."** Column 9, line 55 through column 10, line 22, of the Fujiwara reference, teach the use a motion coding apparatus, which includes a frame memory, for memorizing the structure of data file, an image rearranger, a motion detector, as well as, a coding mode determining circuit. These elements are shown in Figure 7, and labeled as elements 1-4 respectively. It is the opinion of the Examiner that the rearranger, as well as the coding mode circuit (4), in conjunction with the prediction circuit (5) meet the limitation above concerning intra or inter coded frames composed from forward prediction. Fujiwara states that a reference frame interval m, which can be an I or P frame, and which are intra and inter coded, is determined, and further that images are rearranged based on prediction and coding mode. Figure 16, shows that the value of m can be variable, and

Art Unit: 2613

a GOP structure. Additionally, Fujiwara teaches motion compensation, and further discloses a high-speed picture search, in column 13, lines 58-67. While Fujiwara does not specifically disclose the use of variable length encoders, they are well known in the art. Applicant has amended claims 1 and 7 to include storing a data file as control data, and further argues that the Fujiwara reference does not teach a picture search using said control data. Column 16, line through column 17, line 10, clearly discloses encoding "m", or the reference frame interval, and the process proceeds to the next picture. It is the Examiners contention that the m value is control data, and is a necessary part of the encoding process. Furthermore, column 17, lines 33-50, discuss adjusting "m" in accordance with prediction efficiency, and that one of the factors that influences "m" is the size of the search area. Therefore, the search is carried out as a result of the control data, which in this case is the value of reference frame interval "m". Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Fujiwara for the purpose of creating an encoding system, which adaptively controls a reference frame interval m. (column 1)

Allowable Subject Matter

5. Claims 3, 4, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 11-16 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A Bugg whose telephone number is (703) 305-2329. The examiner can normally be reached on Monday-Thursday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg
Examiner
Art Unit 2613

GAB

August 2, 2004


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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